

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

EDWARD MONROE, *et al.*,

Plaintiffs,

v.

FTS USA, LLC and UNITEK USA, LLC,

Defendants.

Civil Action

Case No. 2:08-cv-2100

Hon. John T. Fowlkes, Jr.

RESPONSE TO PLAINTIFFS' MOTION FOR STATUS CONFERENCE

Defendants FTS USA, LLC and Unitek USA, LLC (together, "Defendants"), by and through their undersigned attorneys, hereby respond to Plaintiffs' Motion for Status Conference filed on February 23, 2018 (D.E. 507):

1. Just one day after the Supreme Court's denial of Defendants' second petition for certiorari in this matter, counsel for Plaintiffs provided counsel for Defendants a copy of a proposed Motion for Status Conference to be filed in this Court. While brief, that proposed motion was nevertheless both argumentative and procedurally defective in its form and content.

2. Defendants disagreed, and continue to disagree, with the timing of Plaintiffs' Motion for Status Conference, Plaintiffs' description of the procedural history and the Sixth Circuit's Opinion and Judgment in this case, and Plaintiffs' proposals for the present outstanding issues to be addressed by this Court following the Supreme Court's recent denial of Defendants' second petition for certiorari.

3. On February 23, 2018, just three days after the Supreme Court denied Defendants' second petition for certiorari, counsel for Defendants proposed changes to Plaintiffs'

Motion for Status Conference to remove the foregoing deficiencies and, in response, Plaintiffs simply filed their proposed motion in this Court without addressing Defendants' proposed revisions. *See* D.E. 507.

4. By filing this Response in this Court, Defendants do not waive and, in fact, specifically preserve, assert, and make demand herein of all rights and remedies available to them, in both this Court and the appellate courts with jurisdiction over this matter, under the Federal Rules of Civil Procedure, the Federal Rules of Appellate Procedure, the Rules of the Supreme Court of the United States, the Fair Labor Standards Act, the Rules Enabling Act, and the Fifth and Seventh Amendments of the United States Constitution.

WHEREFORE, Defendants request this Honorable Court deny Plaintiffs' Motion for Status Conference.

Respectfully submitted:

/s/ Colin D. Dougherty

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Dated: March 9, 2018

Attorneys for Defendants

CERTIFICATE OF SERVICE

I, Colin D. Dougherty, hereby certify that, on this date, I caused the foregoing document to be filed electronically with this Court, where it is available for viewing and downloading from the Court's ECF system, and that such electronic filing automatically generates a Notice of Electronic Filing constituting service of the filed document, upon the following:

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Dated: March 9, 2018